

Please amend claims 4, 5, 6, 10, and 12 as per attached with this Response and Amendment. Attachment A is a marked-up copy of the claim amendments, while Attachment B is a clean copy of the amended claims.

#### **REMARKS**

Upon entry of this amendment, claims 1, 4-7, 10 and 12-14 are pending in the application. Claims 1 and 6 are independent claims drawn to an apparatus for producing asphalt pellets with claims 4 and 5 depending therefrom, while claims 7 and 10 are independent claims drawn to a method for producing asphalt pellets with claims 12-14 depending therefrom. Applicants submit that the amendments to the claims do not add new matter within the meaning of 35 U.S.C. §132 since the amendments to claims 6 and 10 incorporate the limitations of claims 1 and 7, respectively. The remaining claim amendments are to correct the dependency of the claims.

Claims 1, 3, 4, 7, 9, 11 and 14 stand rejected under 35 U.S.C. 102(a) as being anticipated by "New Pelletizer Makes Higher-Value Fuel From Resid," Oil & Gas Journal, April 17, 2000. Claims 5, 6, 10, 12 and 13 have been indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

**1. Rejection of Claims 1-4, 6-9 and 11 Under 35 U.S.C. 102(b)**

Claims 1, 3, 4, 7, 9, 11, and 14 stand rejected under 35 U.S.C. 102(a) as being anticipated by "New Pelletizer Makes Higher-Value Fuel From Resid," Oil & Gas Journal, April 17, 2000 for the reasons set forth in the Office Action.

**RESPONSE**

Applicant respectfully traverses this rejection and respectfully requests reconsideration and withdrawal thereof.

Applicants have canceled claims 3, 9 and 11, thus removing the rendering the rejection moot for those claims.

With respect to claims 1, 4, 7 and 14, Applicants submit herewith a declaration under 37 C.F.R. 1.131, swearing behind the reference relied upon by the Examiner. When the reference is not a statutory bar under 35 U.S.C. 102(b), (c), or (d), applicant can overcome the rejection by swearing back of the reference through the submission of an affidavit or declaration under 37 C.F.R. 1.131. *In re Foster*, 343 F.2d 980, 145 USPQ 166 (CCPA, 1965).

As can be seen by the enclosed Declaration under 37 C.F.R. 1.131 and attached exhibit, Applicants had conceptual basis for the claimed invention prior to the publication date of the article relied upon by the Examiner. In particular, the exhibit of the

declaration indicates the formation of the pellets, the formation of the slurry and the transportation thereof, all of which is included in the independent claims currently under consideration in this application. Thus, Applicants respectfully submit that conception of the claimed invention predates the Oil & Gas Journal, and thus the claims are not anticipated by the article.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

## **2. Allowable Subject Matter**

The Examiner has indicated that claims 5, 6, 10, 12 and 13 would be allowable if rewritten in independent form with all of the limitations of the base claim and any intervening claims.

## **RESPONSE**

Applicant thanks the Examiner for the indication of allowable subject matter. Applicant has amended claims 6 and 10 to include the limitations of the base and any intervening claims. In addition, claims 4, 5 and 12 have been amended to depend from the new independent claims, thus making those claims also allowable.

Accordingly, Applicants respectfully submit that claims 4, 5, 6, 10, 12 and 13 are now allowable.

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**CONCLUSION**

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the all pending rejections, and to allow all of the claims pending in this application.

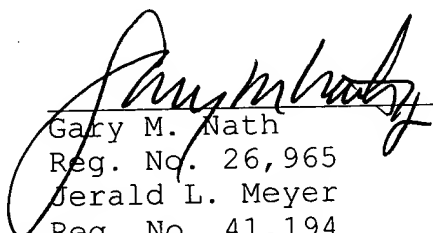
If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,

**NATH & ASSOCIATES**

Date: November 6, 2002

**NATH & ASSOCIATES**  
1030 Fifteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396  
GMN:JLM:sv/roa2.wpd

  
\_\_\_\_\_  
Gary M. Nath  
Reg. No. 26,965  
Gerald L. Meyer  
Reg. No. 41,194  
Customer No. 20529



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TC 1700

Serial: 09/627,166

Group Art Unit: 1732

Filed:

July 27, 2000

Examiner: M. Theisen

For:

**METHOD OF AND APPARATUS FOR PRODUCING PELLETS FORM  
HEAVY HYDROCARBON LIQUID**

**ATTACHMENT A - MARKED-UP COPY OF CLAIM AMENDMENTS**

Please cancel claims 3, 9, and 11 without prejudice or disclaimer to the subject matter contained therein.

Please amend claims 4, 5, 6, 10, and 12 as follows:

4. (Amended) Apparatus according to claim [3] 6 wherein said transporting means includes a conduit that supplies the slurry to the required location.

5. (Amended) Apparatus according to claim [3] 6 including a pump for pumping the slurry to said location.

6. (Amended) Apparatus [according to claim 1] for producing asphaltene pellets comprising:

a) flow means that supplies hot asphaltene through a conduit to its outlet;

b) pellet producing means that breaks up the liquid stream of said hot asphaltene exiting the outlet of said conduit and produces pellets of asphaltene;

c) a reservoir or container that collects said pellets of asphaltene together with some fluid producing a slurry;

d) transporting means that transports said slurry to the required location; and

wherein said pellet producing medium is water.

10. (Three-times Amended) A method [according to claim 7] for producing asphaltene pellets comprising the steps of:

a) supplying hot asphaltene through a conduit to its outlet;

b) breaking up the liquid stream of said hot asphaltene exiting the outlet of said conduit using a pellet producing medium to produce pellets of asphaltene;

c) collecting said pellets of asphaltene in a reservoir together with some fluid producing a slurry; and

d) transporting said slurry to a required location;

wherein said step of breaking up the liquid stream of hot asphaltene flowing out of the outlet of said conduit using a pellet producing medium so that pellets of asphaltene are produced is carried out by spraying a fluid so that the fluid contacts the asphaltene exiting said outlet of the conduit and pellets of asphaltene are produced.

12. (Amended) A method according to claim [11] 10 including pumping the slurry to said location;

and wherein the step of collecting said pellets of asphaltene in a reservoir together with some fluid producing a slurry is carried out by collecting said pellets of asphaltene in a reservoir together with some liquid water producing a heavy hydrocarbon or asphaltene-water slurry;

and wherein the step of transporting said slurry to a required location is carried out by supplying said slurry via a conduit to a required location.